FIRST
ANNUAL REPORT

1988

(JANUARY 1st, 1987 TO MARCH 31st, 1988)

VICTIMS ASSISTANCE COMMITTEE

89-00197/

VICTIMS ASSISTANCE COMMITTEE
5th Floor, 405 Broadway
Winnipeg, Manitoba, R3C 3L6
Telephone: 945-0899

The Honourable James C. McCrae
Attorney-General for the Province of Manitoba
Room 104, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. McCrae:

Re: First Annual Report

I have the honour to submit to you, in accordance with subsection 8(8) of The Justice for Victims of Crime Act, the First Annual Report of the Victims Assistance Committee.

I. Composition of the Victims Assistance Committee

Section 7 of The Justice For Victims of Crime Act establishes the Victims Assistance Committee. The membership of the Committee shall be comprised of not less than seven members and not more than fifteen members to be appointed by the Lieutenant Governor in Council. Pursuant to Section 9 (2) of the Act which states that, "The committee shall include at least two victims of crime and shall include representation from law enforcement agencies, prosecutors, the judiciary and members of the Law Society of Manitoba who are not employed by the government and who have experience as defence counsel", the composition of the Victims Assistance Committee is as follows:

	Term
Steve Brickey (chairperson)	January 1, 1987 - January 1, 1990
Irene Allan	January 1, 1987- April 15, 1987
Constable Ruby D. Burns	August 5, 1987 - July 1, 1989
G. Ann Charter	January 1, 1987 - January 1, 1989
Radha Curpen	Feb. 10, 1988 - January 1, 1990
Bernard Dionne	January 1, 1987 - July 15, 1987
Judge J.J. Enns	Feb. 24, 1988 - January 1, 1990
Jenette R. Goodman	January 1, 1987 - January 1, 1990
John P. Guy, Q.C.	January 1, 1987 - January 1, 1990
Elizabeth Hill	January 1, 1987 - January 1, 1990
Constable Richard B. Jones	January 1, 1987 - January 1, 1990
Kathleen A. King	January 1, 1987 - August 5, 1987
Judge Robert Kopstein	January 1, 1987 - May 12, 1987
Michael J. Manko	January 1, 1987 - January 1, 1989

Marie Mathieson	Feb. 24, 1988 - January 1, 1990
Leonard J. Sawatzky	January 1, 1987 - Nov. 30, 1987
Robert L. Stewart	January 1, 1987 - January 1, 1990
Ken Theule	Feb. 17, 1988 - January 1, 1990
Rudy Ulrich	January 1, 1987 - January 1, 1989

Subject to Subsection 9(3), "each member shall be appointed to the Committee for a term of not more than 3 years."

II. Meetings of the Victims Assistance Committee were held as follows:

March 3, 1987
April 13, 1987
May 12, 1987
July 6, 1987
August 4, 1987
September 29, 1987
October 22, 1987
November 25, 1987
January 18, 1988
February 15, 1988
March 14, 1988

III. Financial Highlights

A. Revenues

	Jan. 1/87 - Mar 31/88
Revenues from all sources	$776,332.90
Administrative expenses	$ 27,518.03
Net	$748,814.87

The Justice for Victims of Crime Act, under section 12, established a fund known as "The Victims Assistance Fund". Section 13(1) states that, "Subject to subsection (4) and any other Act of the Legislature, where a person is convicted of an offence under an Act of the Legislature or a regulation under such an Act, a surcharge shall be conclusively deemed to have been imposed against the person and shall be collected in the same manner as a fine, and where a fine has been imposed the surcharge shall be collected with the fine". Under Manitoba Regulation 278/86, the surcharge to be imposed is 12%. Section 13(4) of The Justice for Victims of Crime Act reads, "Where a person receives a reprimand or is convicted of an offence but no fine is imposed in respect of the offence, the surcharge under subsection (1) shall be $25.00." Surcharge revenue to March 31, 1988, was $752,935.17.

The other source of revenue to the Victims Assistance Fund is interest paid on short-term investments. Section 17(3) of the Act allows for the investment of monies in excess of the amount that is required for the immediate purposes of the Act. The Minister of Finance may invest the excess and any income

therefrom shall be credited to the Fund. The Fund earned a total of $23,397.73 in interest on investments, including interest accrued but not received.

Administrative expenses totalled $27,518.03 at the end of March 31, 1988. This total includes: the cost of printing the handbooks for police and magistrates detailing the fine (including surcharge) to be levied for provincial offences; honorariums paid to Committee members; advertising costs incurred in promoting the Committee; and the purchase of a microcomputer work station. The Victims Assistance Committee has hired a staff person to commence employment in the 1988 - 1989 fiscal year.

For further information, please see financial statements, Appendix "A".

B. Grants from the Fund

Section 15 of the Act states:

> "Subject to any trust conditions under which money is received into the fund, the Lieutenant Governor in Council may authorize expenditures from the fund for
> (a) promotion and delivery of victims services;
> (b) research into victims services, needs and concerns;
> (c) distribution of information respecting victims services, needs and concerns;
> (d) remuneration of members of the committee for their services and for reimbursement of reasonable expenses incurred on behalf of the committee; and
> (e) any other purpose the Lieutenant Governor in Council considers necessary for carrying out the purposes and promoting the principles set out in this Act."

The Committee has developed the following criteria to be used in assessing and determining a grant:

1) The Committee will recommend funding of a project for up to a maximum of three years duration.

2) The Committee will not recommend funding of capital expenditures.

3) The Committee will not core fund or assume ongoing funding responsibility for programs. The emphasis at the present time is on the development of new services or the enhancement of existing services.

The rationale for the above three criteria was that the Committee was unsure as to the amount of revenue that would be generated by the surcharge.

4) The Committee has placed an emphasis on services in the rural areas.

The rationale for the above criterion is that historically, the majority of services were developed in the City of Winnipeg, resulting in an imbalance of services between Winnipeg and the rural areas of Manitoba.

5) The Committee has priorized granting proposals as follows: 1) service delivery; 2) information/awareness and; 3) research.

The existence of the Victims Assistance Committee was advertised in Winnipeg and rural newspapers, and funding proposals were solicited. In the 1987 fiscal year 11 funding proposals were considered and the following grants were committed:

Age & Opportunity Older Victim Services $14,921.00

The Age and Opportunity Centre's Older Victim services provides emotional support to elderly victims of crime. Assistance to crime victims is provided by a specially-trained corps of volunteers. Older Victim Services works cooperatively with the Winnipeg Police Department to provide comprehensive service delivery to elderly victims of crime. The grant provided for a six month continuation of the existing staffing component.

Thompson Crisis Centre $33,655.00

The one year grant to the Thompson Crisis Centre will be used to develop a victim/witness advocacy program for women who are victims of assault. Services to be provided by the victim/witness advocacy program include the following: support and counselling; accompaniment to court, legal appointments and police; interpretation of court procedures; liaison for victims in referrals to other services or agencies; and assistance to women who are reluctant to lay charges or follow through with the charge.

Family Survivors of Homicide $20,000.00
Consulting & Evaluation of Family Survivors of Homicide $14,500.00

Family Survivors of Homicide, with the one year funding assistance of the Victims Assistance Committee, has determined as its primary goal the provision of ongoing support to secondary victims of homicide. This will include the provision of information and support to secondary victims of homicide throughout and subsequent to police investigations, media exposure and court proceedings relating to the homicide. A consultation and evaluation component will provide professional assistance in the organizational set up of Family Survivors of Homicide and an evaluated model that will assist the Victims Assistance

Committee in identifying issues that new organizations experience in developing.

Victim Services, Winnipeg Police Department $88,822.00

The Victims Assistance Committee grant to the Victims Services Unit of the Winnipeg Police Department will allow for the addition of a Victims Services Worker, a Victim Services Volunteer Coordinator and a Victim Services Clerk to the Unit for a two year period. This will result in the expansion and enhancement of services to crime victims. An independent evaluation will be funded in the future by the Victims Assistance Committee and should the results of this evaluation indicate that the three additional positions have contributed to a more effective Unit, these will become permanent positions within the Winnipeg Victim Services Unit and the staffing component of the City of Winnipeg Police.

Staffing Component

Until March 31, 1988, secretarial assistance was provided by the Manitoba Department of the Attorney General. The Committee is most appreciative of this assistance. The Committee determined that administrative staff was required to work on a full-time basis to promote the Committee as well as to expand the role of the Committee in carrying out the principles set out in the Act. Subsequently a proposal was submitted to and accepted by the Federal Department of Justice requesting a three year cost-sharing agreement for the employment of this individual. The Victims Coordinator will commence employment on April 11, 1988.

FUTURE DIRECTIONS

The Committee is looking forward to becoming more proactive in the coming year. With the addition of an administrative staff person, it is felt that the scope of the Committee can expand to include such activities as the planning of a province wide conference, outreach work to assist in the development of services to rural areas, and educating criminal justice personnel about the Declaration of Principles in the Act.

The Committee recently made the decision to review funding proposals on a quarterly basis. Therefore, funding proposals will be reviewed at meetings held in February, May, August and November of each year.

Given the stabilization of income generated by the surcharge to the Fund, the Committee will re-examine the issue of core funding. The Committee finds it promising that other provinces are introducing victims legislation and that the Federal Government is including a provision for a victim fine surcharge in the amendments to the Criminal Code of Canada. The Committee is excited about the prospect of additional monies being made available in the area of crime victims.

CHAIRPERSON'S COMMENTS

It has been a pleasure to be involved with the Victims Assistance Committee in its first year of operation. The funds generated from the Victims Surcharge has enabled the Committee to provide resources to organizations who are, in various ways, attempting to redress the historical pattern of neglect that victims of crime have experienced in our society.

The Committee has been quite thorough in reviewing all applications for funding and it is gratifying to note that the funding recommendations made by the Committee to Cabinet and Treasury Board have been accepted without revisions. It is hoped that the Government will continue to respect the independence of the Committee and accept the recommendations forwarded for approval.

An unexpected issue has arisen in this first year that is causing a good deal of concern to the Committee. This is the phenomenon of some provincial court judges refusing to impose the Victims Surcharge at the time of sentencing. While the Act permits the judiciary to use their discretion in applying the surcharge in cases involving economic hardship, it has come to our attention that some judges have decided that they are not required to impose the surcharge and have never applied it to the sentences they give to convicted offenders.

The Committee is troubled by this judicial disregard for the law because it results in a loss of revenue that can be used to assist victims and, more significantly, it conveys a symbolic statement that the development of victim services is of minor consequence. Although the Committee is at a loss to understand how members of the judiciary can arbitrarily choose to ignore the law and to act in a manner inconsistent with the intent of the legislation, it would seem that some form of ameliorative action is required to ensure that there is compliance with the Act.

From discussions held with several members of the legal community, it would appear that this problem might best be resolved by amending the Act to state that, in those instances where a judge makes the decision not to impose the surcharge, he or she must provide written reasons for this decision. This amendment would still allow judicial discretion but would hopefully deter judges from completely ignoring the requirements of the Act. It is requested that the Government introduce this amendment during the next legislative session.

Respectfully submitted

Stephen Brickey
Chairperson,
Victims Assistance Committee

APPENDIX "A"

THE VICTIMS ASSISTANCE FUND

STATEMENT OF REVENUE, EXPENDITURES, GRANTS AND DISTRIBUTABLE SURPLUS

PERIOD JANUARY 1, 1987 TO MARCH 31, 1988

REVENUE	
Fine Surcharges	$752,935.17
Interest earned on Investments	23,397.73
	776,332.90
EXPENDITURES	
Administrative	
Board fees	4,523.54
Equipment	5,131.72
Office Supplies and services	11,555.21
Transportation and Communication	4,735.53
Miscellaneous	1,572.03
	27,518.03
EXCESS OF REVENUE OVER EXPENDITURES	748,814.87
GRANTS ALLOCATED DURING THE YEAR - Schedule 1	171,898.00
DISTRIBUTABLE SURPLUS	$576,916.87

THE VICTIMS ASSISTANCE FUND

BALANCE SHEET

MARCH 31, 1988

ASSETS

CASH ON DEPOSIT WITH THE MINISTER OF FINANCE	$238,320.91
SHORT-TERM INVESTMENTS (TRUST DEPOSITS - MINISTER OF FINANCE)	478,644.45
ACCRUED INTEREST ON INVESTMENTS	16,928.51
	$733,893.87

LIABILITIES

GRANTS PAYABLE	$156,977.00
DISTRIBUTABLE SURPLUS	576,916.87
	$733,893.87

SCHEDULE 1

THE VICTIMS ASSISTANCE FUND

SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED

PERIOD JANUARY 1, 1987 TO MARCH 31, 1988

	ALLOCATED	UNDISBURSED
Age and Opportunity - assistance to elderly victims	$ 14,921.00	-
Thompson Crisis Centre - court liason for victims	33,655.00	33,655.00
Family Survivors of Homicide - support for secondary victims of homicide	20,000.00	20,000.00
Family Survivors of Homicide Evaluation & Consultation	14,500.00	14,500.00
Winnipeg Police Department - enhancement of existing Victim Services	88,822.00	88,822.00
	$171,898.00	$156,977.00

APPENDIX "B"

THE VICTIMS ASSISTANCE COMMITTEE

The Victims Assistance Committee was established by the Legislature through The Justice For Victims of Crime Act which was enacted January 1, 1987.

The legislation establishing the Victim Assistance Committee details the parameters of the Committee.

> "8(1) The committee shall be guided by and shall promote the principles set out in this Act.
>
> 8(2) The committee may receive from any person, organization or institution applications and submissions relating to (a) the needs and concerns of victims; and (b) the provision and funding of research and services relating to victims.
>
> 8(3) The committee shall work with prosecutors and with law enforcement agencies, courts, social agencies and other organizations able to serve victims in order to assist them in developing guidelines that promote the principles set out in this Act and that relate to their activities.
>
> 8(4) The committee shall make recommendations to the minister on the use of the fund and may make recommendations relating to (a) the development of policies respecting victims services; and (b) any other matter within the scope of the principles set out in this Act that the minister refers to the committee for its recommendation.
>
> 8(5) The committee shall promote research into and the distribution of information about victims services, needs and concerns.
>
> 8(6) The committee shall review the operation, development and cost of victims services and research projects for which money from the fund is being received or sought."

APPLICATION PROCEDURES

The Funding Application form can be obtained directly from the Committee. The application form is to be accompanied by a detailed project description, including a budget. Funding proposals will be reviewed by the Victims Assistance Committee on a quarterly basis - in February, May, August and November. Should further information be required from the submitting organization, they will be contacted to provide the necessary information or may be invited to attend a meeting of the Victims Assistance Committee to discuss the submitted proposal.

For information about the Victims Assistance Committee and to request application forms and the most recent annual report, write or telephone:

THE VICTIMS ASSISTANCE COMMITTEE
5th Floor, 405 Broadway
Winnipeg, Manitoba
R3C 3L6

Telephone: (204) 945-0899

Victims Coordinator
Theresa Clarke